

REMARKS/ARGUMENTS

The Applicants request that the Examiner consider the following remarks in addition to the above amendments.

Election/Restrictions

On page 2 of the Office action, the Examiner requests that the Applicants affirm the election made by Mr. Reed Heimbecher on 12/21/2007 during a telephone conversation with the Examiner. The Applicants hereby confirm the election. By that election, the Applicants withdrew claims 35-41. The Applicants have now canceled these seven claims without prejudice and may file them in a continuing application or may renumber and re-file them in the present application.

Specification

On page 2 of the Office action, the Examiner objects to use of the language "comprising" in the abstract. The Applicants have amended the abstract to recite "including."

Claim Objections

On page 3 of the Office action, the Examiner objects to claims 2 and 27 for the following "informalities."

Regarding claim 2, the Examiner advises the Applicants "to spell out ABS and PVC." The Applicants have amended claim 2 by changing "PVC" to --Polyvinyl Chloride-- and by changing "ABS" to --Acrylonitrile-Butadiene-Styrene--.

Regarding claim 27, the Examiner indicates that "an ending period is missing." The Applicants have added an ending period to the claim 27.

Claim Rejections - 35 USC § 102(b)

Claims 1-5, 24, 32, and 34 stand rejected under 35 USC § 102(b) "as being anticipated by US Pat. No. 6,457,287 to Wilcox."

Claim 1 is amended to recite "an inner wall, wherein an interior surface of said inner wall further comprises a sanitary sweep and an abutment surface for adjacent flooring." At a minimum, these recitations are not disclosed by Wilcox. The Examiner did not rely on Wilcox to reject similar recitations previously presented in claim 7.

Instead, the Examiner relied on Fig. 2 of Heath when similar recitations were previously presented in claim 7. In particular, the Examiner pointed to flange 16 in Heath

as reading on the sanitary sweep, and channel 21 in Heath as reading on the abutment surface. However, flange 16 in Heath serves to form a watertight seal between adjacent plank elements, and channel 21 in Heath permits the use of fasteners such as screws to engage the subassembly beneath the planks. See, e.g., col. 3, lines 8-15 in Heath.

The Applicants also respectfully submit that it would not be an obvious modification of Wilcox or Heath to provide a sanitary sweep and abutment surface. Wilcox discloses a window sill cover in which there would be no need to provide a sanitary sweep and an abutment surface for adjacent flooring. Heath discloses modular decking planks in which there would be no need to provide a sanitary sweep and an abutment surface for adjacent flooring.

For at least the foregoing reasons, claim 1 is believed to be allowable over the cited references; and the Applicants respectfully request withdrawal of the rejection of claim 1.

Claims 2-5, 24, 32, and 34 depend from claim 1, which is believed to be allowable. Therefore, claims 2-5, 24, 32, and 34 are also believed to be allowable for at least the same reasons as claim 1.

In addition, claim 24 further recites "a lower end having a large, lower channel extending therethrough; and a vertical portion, wherein said vertical portion comprises at least a first part of said outer wall; at least a first part of said inner wall; and a plurality of hollow channels, wherein said plurality of hollow channels comprises an upper, small hollow channel; and a lower, small hollow channel." The Office action relies generally on Fig. 2 in Wilcox, but does not point out specifically what is being relied on for each of these recitations. The Applicants cannot identify each of these recitations in Fig. 2. Therefore, the rejection is believed to be incomplete and improper.

Claim 32 further recites "a sweep wall." As discussed above for claim 1, Wilcox fails to disclose a sanitary sweep. Therefore, it follows that Wilcox would also fail to disclose a sweep wall.

Claim 34 further recites "a second plurality of buttons, each button being frictionally received in one of said first plurality of screw insertion holes." The Examiner relied on Wilcox at col. 4, line 39, as disclosing these recitations. Here Wilcox states "Attachment members does not include nails, screws, adhesives, and the like" However, there is no disclosure of the recitations in claim 34.

Withdrawal of the rejection of claims 2-5, 24, 32, and 34 is respectfully requested for at least the above stated reasons.

Claims 1, 6, 7, 10-12, 14, 16-19, 22, and 23 are rejected under 35 USC § 102(b) "as being anticipated by US Pat. No. 6,324,796 to Heath."

Claim 1 is believed to be allowable over Heath as discussed above. Claims 6, 7, 10-12, 14, 16-19, 22, and 23 depend from claim 1 and, therefore, are also believed to be allowable for at least the same reasons as claim 1.

In addition, claim 11 further recites "wherein said top surface extends between said wall-facing surface and said interior surface, and wherein said top surface is substantially horizontal adjacent to said wall-facing surface and is substantially vertical adjacent to said interior surface." The Examiner does not cite to anything specific in Heath as disclosing these recitations, nor can the Applicants find support in Heath for this rejection.

Claim 12 further recites "wherein said top surface extends between said wall-facing surface and said interior surface, and wherein said top surface slopes downwardly between said wall-facing surface and said interior surface." The Examiner does not cite to anything specific in Heath as disclosing these recitations. Nor do Applicants find any support in Heath for this rejection.

In addition, claims 7, 16, 17, 19, 20, and 21 each recite "adhesive ridges." The Examiner relied on minor lands 33 in Heath as disclosing these recitations. However, the minor lands 33 serve as a tread pattern for the modular decking planks in Heath. Filling these minor lands 33 in Heath with an adhesive would defeat the purpose of the minor lands 33 and may render the modular decking planks unsafe and/or inoperative for the intended function.

Withdrawal of the rejection of claims 1, 6, 7, 10-12, 14, 16-19, 22, and 23 is respectfully requested for at least the above stated reasons.

Claim Rejections - 35 USC § 103(a)

Claims 8, 9, 15, 20, and 21 stand rejected under 35 USC § 103(a) "as being unpatentable over US Pat. No. 6,324,796 to Heath." Claims 8, 9, 15, 20, and 21 depend from claim 1, which is believed to be allowable. Therefore, claims 8, 9, 15, 20, and 21 are also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claims 8, 9, 15, 20, and 21 is respectfully requested for at least the above stated reasons.

Claims 25-31, and 33 stand rejected under 35 USC § 103(a) "as being unpatentable over US Pat. No. 6,457,287 to Wilcox."

Claims 25-31, and 33 depend from claim 1, which is believed to be allowable. Therefore, claims 25-31, and 33 are also believed to be allowable for at least the same reasons as claim 1.

In addition, claim 26 further recites "wherein said third hollow channel is an upper, small hollow channel; wherein said eighth hollow channel is a lower, small hollow channel; and wherein said upper, small hollow channel and said lower, small hollow channel are shorter than each of said top hollow channel, said second hollow channel, said fourth hollow channel, said fifth hollow channel, said sixth hollow channel, said seventh hollow channel, and said ninth hollow channel" (emphasis added). The Examiner does not point to anything specifically in Heath and instead relied generally on Fig. 5-7 in Wilcox as disclosing these recitations. However, the Applicants cannot find any support for this rejection in Fig. 5-7. The Applicants also respectfully submit that the Examiner has not provided a reasoned explanation why these recitations would be obvious. Therefore, the rejection of claim 26 is believed to be improper.

Withdrawal of the rejection of claims 25-31 and 33 is respectfully requested for at least the above stated reasons.

Allowable Subject Matter

According to page 10 of the Office action, claim 13 is "objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." The Applicants have rewritten dependent claim 13 as new independent claim 42. The Applicants respectfully request an indication of allowability of new independent claim 42.

Additional New Claims

Claims 43-47 include numerous other recitations which are not disclosed, taught, or suggested by the references made of record. These recitations are supported by the specification as originally filed, e.g., at paragraphs [0042] and [0056] of the published patent application. It is noted that the particular hollow channels shown in the drawings provide mitigation/control of warping and longitudinal twisting due at least in part to differential cooling. The channels shown in Heath and Wilcox appear to be substantially uniform, which teaches away from the claimed invention.

Conclusion

The Applicants believe that each of the pending claims (namely, claims 1-34 and 42) is now in condition for allowance. The Applicants hereby petition for a 2-month extension of time to respond to the Office action. The petition fee is being paid concurrently with this

filing. If the Examiner has any further questions, he is encouraged to contact the undersigned attorney.

Respectfully submitted electronically this 28th day of May 2008.

/Mark Trenner#43961/

Mark D. Trenner, Esq.

Registration No. 43,961

HEIMBECHER & ASSOC., LLC

Customer No. 33486

TEL: (303) 279-8888

FAX: (303) 985-0651

cc: Client
Docketing